

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN DOUGLAS ANTHONY,)
)
Plaintiff,)
) **Civil Action No. 1:23-cv-67**
v.)
)
TODD MANGES, *et al.*,)
)
Defendants.)

MEMORANDUM ORDER

Plaintiff Brian Douglas Anthony, an inmate at the Erie County Prison, has brought this *pro se* lawsuit against numerous individuals whom he claims violated his rights in connection with Plaintiff's prosecution on harassment and stalking charges. Among those named as Defendants is Emily Downing ("Downing"), an Assistant District Attorney who signed the information in Plaintiff's criminal case. This civil action has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), Federal Rule of Civil Procedure 72(b), and the Local Rules for Magistrate Judges.

Because Plaintiff is proceeding *in forma pauperis*, the Magistrate Judge screened the Amended Complaint, Plaintiff's governing pleading, in accordance with the provisions of 28 U.S.C. §1915(e)(2) and §1915A. ECF No. [11]. On June 6, 2023, Judge Lanzillo issued a Report and Recommendation ("R&R") in which he opined that Plaintiff's claims against Downing should be dismissed with prejudice, because Downing is immune from liability relative to any conduct involving her role as a prosecuting attorney. ECF No. [12]. *See Imbler v. Pachtman*, 424 U.S. 409, 417-420 (1976) (discussing prosecutorial immunity); 28 U.S.C.

§1915(e)(2) (stating that “the court shall dismiss the case at any time if the court determines that . . . the action . . . seeks monetary relief against a defendant who is immune from such relief.”).

Objections to the Report and Recommendation were due on or before June 23, 2023. On June 20, 2023, the clerk docketed Plaintiff’s response to the Report and Recommendation in which Plaintiff concedes that his claims against Downing should be dismissed. ECF No. [13].

Accordingly, after *de novo* review of the Amended Complaint and other documents in the case, including the Magistrate Judge’s Report and Recommendation and Plaintiff’s response thereto, the following Order is entered:

NOW, this 30th day of June, 2023, IT IS ORDERED that Plaintiff’s claims against Defendant Emily Downing, as set forth in the Amended Complaint, ECF No. [11], shall be, and hereby are, DISMISSED with prejudice. As no claims remain pending against Defendant Downing, the Clerk is directed to terminate her status as a party to this case.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, dated June 6, 2023, ECF No. [12], is adopted as the opinion of this Court.



SUSAN PARADISE BAXTER
United States District Judge